

# Notice of Allowability

Application No.

09/301,853

Examiner

Guy J. Lamarre, P.E.

Applicant(s)

OHBUCHI ET AL.

Art Unit

2133

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/25/04.
2. ☒ The allowed claim(s) is/are 1-17, 19-53 and 56-62 now renumbered 1-59.
3. ☒ The drawings filed on 01 October 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Guy J. Lamarre, P.E.  
Primary Examiner

### **Reasons For Allowance**

**1.0** A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on 8/25/04 in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission, concurrently filed, has been entered.

**1.** This office action is in response to Applicants' **Amendment** of 8/25/04.

**1.1** **Claims 1-4, 7, 10-11, 14, 17, 19-20, 23-24, 31** (currently rather than previously amended as indicated), **32-36, 43, 46, 48-49, 53, 56-59** and **61** are amended, **Claims 54-55** are cancelled. **Claims 1-17, 19-53** and **56-62** remain pending.

**1.2** The rejections of record are withdrawn in response to Applicants' amendment.

### **Response to Arguments**

**1.3** Applicants' arguments/amendment of 8/25/04 have been fully considered and are found persuasive. As a result, the claims at bar are allowed.

### **Reasons For Allowance**

**2.** **Claims 1-17, 19-53** and **56-62** are allowable over the prior art.

**2.1** The following is an Examiner's statement of reasons for the indication of allowable subject matter: Upon further review of the case, prior art, and Applicant arguments, the Examiner concluded that the prior art did not qualify as a bar under either 35 U.S.C. 102 or 35 U.S.C. 103. Such a determination was reached as a result of a sua sponte review of Applicant's arguments in the Amendment remarks of 25 Aug. 2004, pages 36-41.

Although reconsideration of said Amendment remarks sufficiently demonstrated that the cited prior art did not bar patentability of the claimed invention, Examiner further undertook a

Art Unit: 2133

final updated art search to determine whether any other art could preclude patentability of said claimed invention. The prior art of record is exemplified by **Curie et al.** (US Patent No. 4,394,642).

**Curie et al.** discloses interleaving/deinterleaving means, e.g., in col. 3 line 45, wherein data permutation/interleaving is effected via dual orthogonal permutation or rotation of rows/columns and bits at col. 6 line 13 et seq.

However, **no** such art was discovered that discloses data permutation/interleaving, '*wherein the row predetermined order provides for each rearranged row to be adjacent to different rows than were adjacent to each row at each row's original position and the column predetermined order provides for each rearranged column to be adjacent to different columns than were adjacent to each column at each column's original position.*' Accordingly, the claimed invention is in a position to be allowed.

**2.2** Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

**3.** Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

**or faxed to:** (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

Art Unit: 2133

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached on (703) 305-9595.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E  
Primary Examiner  
9/30/04

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